

1/27/11 3:07:29  
DK W BK 651 PG 130  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

**PERMANENT UTILITY EASEMENT**  
**TEMPORARY CONSTRUCTION EASEMENT**

<b><u>GRANTEE:</u></b>	Carolyn Cole	<b><u>GRANTOR:</u></b>	City of Southaven, Mississippi
	8281 Greenbrook Pkwy	<b><u>(RETURN)</u></b>	8710 Northwest Drive
	Southaven, MS 38671		Southaven, MS 38671
	662.280.8018		662.280.2489
	HM TEL. N/A		

**INDEXING INSTRUCTIONS:** NW ¼ SECTION 29, T2S, R7W, DESOTO COUNTY, MS

**INSTRUMENT PREPARED BY:**

  
Jenessa Carter Hicks, Esq. (MSB #103287)

Rozier Hayes, PLLC  
2091 Old Taylor Road, Ste. 102  
PO Box 2388  
Oxford, MS 38655  
Telephone: 662.234.0065  
Facsimile: 662.234.3007

RETURN TO: CITY OF SOUTHAVEN  
\* 8710 NORTHWEST DR.  
SOUTHAVEN, MS, 38671

STATE OF MISSISSIPPI  
COUNTY OF DESOTO

**PERMANENT UTILITY EASEMENT**  
**TEMPORARY CONSTRUCTION EASEMENT**

THIS INDENTURE, made and entered into on this the 2<sup>nd</sup> day of December, 2010, by and between Carolyn Cole party of the first part, and the CITY OF SOUTHAVEN, MISSISSIPPI, a municipal corporation and body politic, party of the second part.

**WITNESSETH:**

That the party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and other good and valuable considerations hereinafter recited, does hereby give, grant and convey unto the part of the second party, its successors and assigns, a permanent utility easement along, across or under the hereinafter described property to be used as a general utility easement by the City of Southaven, Mississippi, and a temporary construction easement along, across or under lands of the part of the first part, all situated in DeSoto County, Mississippi and described as follows, to-wit:

A forty (40) foot wide **permanent utility easement** located in the Northwest Quarter (NW ¼) of Section 29, Township 2 South, Range 7 West, DeSoto County, Mississippi being twenty (20) feet either side of the centerline of a proposed sanitary sewer line more particularly described as:

Said centerline begins on the South property line of the John Henry Baptist Estate property as recorded in Deed Book 20, Page 240, on file in the Chancery Clerk's Office of DeSoto County, Mississippi, 1148 feet, more or less, East of the Southwest corner along the south property line of the John Henry Baptist Estate property, as recorded in Deed Book 20, Page 240, on file in the Chancery Clerk's Office, DeSoto County, Mississippi, thence N 3°26'58" W a distance of 299.87 feet, more or less to a manhole; thence N 45°40'45" E, a distance of 25.08 feet, more or less to the North property line of the John Henry Baptist Estate Property and containing 0.3 acres, more or less.

TOGETHER WITH a fifteen (15) foot wide **temporary easement** located along, adjoining and East of the above described permanent utility easement and containing 0.12 acres, more or less.

TOGETHER WITH a fifteen (15) foot wide **temporary easement** located along, adjoining and West of the above described permanent utility easement and containing 0.12 acres, more or less.

TOGETHER WITH all rights and privileges necessary or convenient for the full enjoyment or use thereof, including the right of ingress and egress to and from said easement;

The temporary construction easement conveyed hereby shall be effective upon the date of execution hereof, but shall terminate upon the completion date of the utility project by the City of Southaven, Mississippi.

Party of the second part agrees to restore the easement area granted herein to its original condition. The consideration recited herein shall constitute payment in full for all damages sustained by Grantors by reason for the installation of the structures referred to herein and grantee will maintain such easement in a state of good repair and efficiency so that no unreasonable damage will result from its use of the grantor's premises. This agreement together with other provisions of this grant shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns. The Grantors do covenant that they are the Owners of the above mentioned land and that said land is free and clear of all

encumbrances and liens except the following:

IN WITNESS THEREOF, the party of the first part hereunto subscribed their names on the date first above written.

X Carolyn Cole

Name Carolyn Cole

Address 8281 Greenbrook pkwy  
Southaven, miss. 38671

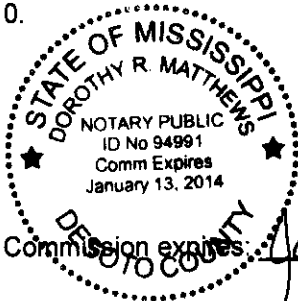
Telephone 662-280-8018

STATE OF MISSISSIPPI

COUNTY OF DESOTO

This day personally appeared before me, the undersigned authority in and for said county and state, the within named Carolyn Cole who acknowledged that he/she is a fee simply owner of the above mentioned property, and that he executed the above and foregoing instrument on the day and year therein mentioned for the purposes therein expressed.

Given under my hand and official seal of office this the 2<sup>nd</sup> day of December, 2010.



Dorothy R. Matthews  
Notary Public

My Commission expires: January 13, 2014

INDEXING INSTRUCTIONS: NW 1/4 SECTION 29, T2S, R7W, DESOTO COUNTY, MS

Grantor's Address: Carolyn Cole  
8281 Greenbrook Pkwy  
Southaven, MS 38671

Grantee's Address: 8710 Northwest Dr.  
Southaven, MS 38671

INSTRUMENT PREPARED BY:

Rozier Hayes, PLLC  
2091 Old Taylor Road, Ste. 102  
PO Box 2388  
Oxford, MS 38655  
Telephone: 662.234.0065  
Facsimile: 662.234.3007